

Cambodia Adoptions Task Force
Parameters for the Final Expansion
October 3, 2002

I. New Criteria

The initiative will now include those prospective adoptive parents who filed an I-600A application by December 31, 2001. To be eligible, the parents must have designated Cambodia by September 1, 2002. Additionally, a Cambodian child that is to be adopted must have been born on or before December 31, 2001.

II. Final Expansion Pending Agreement

As stated in the 9/11/02 announcement, the final expansion of the special humanitarian initiative is pending Royal Government of Cambodia (RGC) agreement. The Department of State (DOS) has proposed this expansion to the RGC and requested their continued cooperation with this additional group of cases. DOS will explore the possibility of establishing a government-to-government procedure for the processing and matching of all remaining adoption cases included in the final expansion of the humanitarian initiative. Until this time prospective adoptive parents are advised NOT to accept a referral from any facilitator.

III. Previous Cases Included in the Humanitarian Initiative

The criteria of this final expansion of the initiative do not affect those prospective adoptive parents who were included in any previous announcements concerning the special humanitarian initiative. Individuals previously included in the initiative will continue to be processed according to the previously established criteria.

IV. Referral Process

A. New Referral

If a prospective adoptive parent is included in the final expansion of the initiative, they should NOT accept an informal match (referral) via their adoption agency nor via a facilitator in Cambodia. All new referrals for the initiative will be handled through a government-to-government procedure that DOS will negotiate directly with the Cambodian government. No new informal matches which have not been previously revealed to the U.S. government will be honored. Cases will be matched in order of the date of filing of Form I-600A for all approved I-600As.

B. Existing Informal Match

Some prospective adoptive parents have advised the U.S. government of an informal match which existed as of September 11, 2002, but were not included in the initiative previously because they did not meet the criteria. As long as the child matched was born

prior to December 31, 2001, the Embassy will request that MOSALVY honor those commitments in this final expansion of the initiative. If it is determined that the identified child does not meet the legal definition of orphan, a request for a different child will be processed only *after* the Task Force has completed the review of all cases for prospective adoptive parents who are adopting from Cambodia for the first time through this initiative

C. Birth by December 31, 2001

Prospective adoptive parents adopting through MOSALVY will not be able to adopt a Cambodian child born after December 31, 2001. If a prospective adoptive parent accepted a match with a child born after December 31, 2001, that prospective adoptive parent will not be automatically disqualified, and may be matched with an eligible child through the government-to-government process described in Part A above.

V. Return to Adopt Another Child

Prospective adoptive parents who have already adopted a child from Cambodia may be able to return to adopt another child from Cambodia, if they meet the following criteria at the time their second adoption becomes final:

- a) I-600A filed on or before December 31, 2001
- b) I-600A application still active, including submission of an updated home study in accordance with 8 CFR204.3(e) if necessary
- c) Original I-600A approved for two or more children, as indicated on Form I-171H or cable notification to the U.S. Embassy in Cambodia
- d) Separate notification by November 1, 2002 to the Task Force of the intention to adopt another child
- e) Filing of a new Form I-600A prior to the expiration of the original I-600A, if needed.

Prospective adoptive parents who are returning to adopt another child from Cambodia will be processed *after* the Task Force has completed the review of all cases for prospective adoptive parents who are adopting from Cambodia for the first time through this initiative. Upon completion of the new Form I-600A file (including home study, fingerprints and other required documentation) and approval, a new 18 month validity period will be granted. The prospective adoptive parent is responsible for all related fees associated with the filing of a new Form I-600A. However, no adoption under this section will be finalized after December 31, 2003.

VI. Court Cases

A. Summary

Prospective adoptive parents have pursued adoptions in Cambodia through two parallel systems. The majority of the cases have been processed through the Cambodian Ministry of Social Affairs, Labor, Vocational Training and Youth Rehabilitation (MOSALVY).

However, a smaller number of prospective adoptive parents processed their case through the Cambodian courts. While MOSALVY grants a full and final adoption, the U.S. government has determined that the Cambodian courts grant only legal custody of the children. Thus, the adoption must be completed in the U.S.

B. Processing Additional Court Cases

Additional court cases are included in this final expansion of the initiative if they meet the following criteria:

- a) Form I-600A filed on or before 12/31/01
- b) The Cambodian child to be adopted was born on or before 12/31/01
- c) The Cambodian court granted custody on or before 9/11/02.